

1. Number of pages. 1-58
2. Date of receipt. 16-1-36
3. Initials of Receiver.

M.R.O. 1-82400-22-11-80

MADRAS RECORD OFFICE.

Government of Madras.

Pension DEPARTMENT.

G.O. No.

582

~~Press~~
Mis.

Dated

1-7-1882

Not to be folded or roughly handled

16-1-36

3RD MARCH 1882, No. 229, JUDICIAL.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—the following letter from Messrs. J. W. HANDLEY, P. SREENIVASA RAO, and G. MUTTUSWAMY CHETTY, Judges of the Madras Court of Small Causes, to the Chief Secretary to Government, dated Madras, 19th October 1881, No. 1210 :—

We have the honor to forward a petition from the Bailiffs of our Court asking to be admitted to the benefit of the Pension Rules and to strongly recommend the same to the favorable consideration of Government. The duties of the Bailiffs are of a very responsible character, and it is extremely desirable that the services of persons of the highest respectability and integrity shall be secured for the office, but this will not always be possible unless the advantages conceded to other Government servants of the same grade be extended to them. Another reason for allowing pensions to the Bailiffs is that without them men will continue in the office long after they are incapacitated by age or infirmities for the proper discharge of their duties, and their superiors naturally shrink from forcing them to retire when such a step will mean their reduction to pauperism. With these observations, we leave the matter in the hands of Government.

Reference on the above, dated 2nd November 1881, No. 1761.

Referred to the Accountant-General for report.

(Signed) G. S. FORBES,
Acting Under Secretary.

READ—the following letter from H. F. CLOGSTOUN, Esq., Officiating Accountant-General, to the Chief Secretary to Government, dated Fort St. George, 22nd November 1881, No. J.A.E.-398 :—

With reference to your endorsement, No. 1761, dated the 2nd November 1881, referring to me for report a letter from the Judges of the Madras Court of Small Causes, No. 1210, dated the 19th ultimo, forwarding a petition from the Bailiffs employed in that Court praying that they may be admitted to the Pension Rules, I have the honor to request that I may be furnished with copies of any correspondence that may have taken place between this Government and the Government of India in reference to the Government of India Resolution, No. 1422-G., dated the 24th December 1862, recorded in G.O., No. 90, dated the 9th February 1863, Financial Department, relative to the classes of Uncovenanted Servants who should be admitted to the benefit of the Pension Rules, and specially regarding those persons who held the office of Bailiff in the Madras Court of Small Causes. It is not clear from the rules now in force on what reasonable grounds pension on the superior scale can be denied to this class of servants, while it is admissible to District Court Amins, who occupy a precisely similar position.

READ—the following letter from H. F. CLOGSTOUN, Esq., Officiating Accountant-General, to the Chief Secretary to Government, dated Fort St. George, 22nd December 1881, No. J.A.E.-446:—

With reference to your endorsement, No. 1761, dated the 2nd November 1881, referring to me for report a letter from the Judges of the Madras Court of Small Causes, No. 1210, dated the 19th October last, forwarding a petition from the Bailiffs employed in that Court praying that they may be admitted to the benefit of the Pension Rules, I have the honor to state that the office of Bailiff has already been considered as inferior. It was, as such, included in the statement embodied in G.O., No. 90, dated the 9th February 1863.

2. In the Uncovenanted Service Pension Rules of April 1864 it was provided that the rules should be applicable to all officers of the Uncovenanted Civil Service in the receipt of more than ten rupees a-month on a permanent establishment with the exception of Jemadars, Sowars, Peons, Lascars, Boatmen, Smiths, Artificers, and all those engaged in any handicraft, laborers, and other inferior servants. Regarded as inferior service even at that time, the office was considered as one not eligible for pension, although gratuity was allowable for service rendered in it on the scale admissible for inferior servants.

3. By Financial Resolution, No. 3272, dated the 25th November 1868, servants in inferior grades were declared eligible for pension not exceeding Rs. 4 per mensem if they were pronounced by competent medical authority to be unfit for further duty after having done good service for thirty-five years (subsequently reduced to thirty years). Bailiffs of the Small Cause Court therefore came under the operation of this Resolution.

4. From G.O., No. 680, dated the 21st October 1863, Financial, which was communicated to me only upon a reference made to Government on the 22nd November 1881, it would appear that this Government recommended to the Supreme Government that Bailiffs should be admitted to the benefits of the Pension Rules, which were then applicable to superior servants only. It is apparent therefore that the recommendation had reference to the grant to them of pension on the superior scale. It is not known what reply the Government received to this reference; but, even subsequent to the reference and the promulgation of the rules of 1864, the services of the Bailiffs on the establishment of the Madras Court of Small Causes on a salary of Rs. 17-8-0 each G.O., No. 248, dated 15th June 1870. per mensem were, as will be seen from the Orders noted in the margin, treated as inferior, and gratuities were granted to them on the scale applicable to inferior servants.

5. In this office report quoted in G.O., No. 748, dated the 18th April 1879, Financial, it was not intended to state that Bailiffs were not entitled to pension, but that they were not eligible for pension on the scale admissible for superior service.

6. In their memorial the Bailiffs of the Madras Court of Small Causes seem to consider that they are excluded from the benefits of pension. This is not strictly correct, but doubtless what they ask for is that they may be considered as superior servants so far as pension privileges are concerned.

7. In Rule 1, Section 90 of the Civil Pension Code the service in certain appointments when the pay exceeds Rs. 10 is held to be superior. Among these appointments are some of those which the Madras Government in their Proceedings, No. 680, of 21st October 1863, Financial, recommended should be treated as pensionable on the superior scale, but the office of Small Cause Court Bailiff, which was included in the Madras Government recommendation, is omitted from the list given in the Code. It would seem, therefore, that the Government of India at that time deemed it inexpedient to admit Bailiffs to pension on the superior scale, and it does not appear that any reference has since been made to them on the subject.

ORDER—dated 3rd March 1882, No. 229, Judicial.

Ordered that the Government of India be addressed.

[Here enter letter, dated 3rd March 1882, No. 230.]

(True Extract.)

R. DAVIDSON,
Chief Secretary.

Exd. J. W. Fischer.

Govt. of Madras.
JUDICIAL.

Order, dated 3rd March 1882, No. 229.

Memorials.—Forwarding to Government of India, for favorable consideration, a memorial from the Bailiffs of the Small Cause Court, Madras, praying that they may be admitted to the benefit of the Pension Rules as superior servants.

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Subd. 6. 1882

3RD MARCH 1882, No. 230, JUDICIAL.

JUDICIAL DEPARTMENT.

LETTER—from

THE HON. R. DAVIDSON, C.S.I.,

Chief Secretary to the Government of Fort St. George,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,

DEPARTMENT OF FINANCE AND COMMERCE.

SIR,

I am directed to forward, for the favorable consideration of the Governor-General in Council, the accompanying memorial from the Bailiffs of the Small Cause Court, Madras, together with the Proceedings, No. 229, of this date, in the Judicial Department. The memorialists pray—and their prayer is supported by the Judges of the Court—that they may be admitted to the benefit of the Pension Rules as superior servants.

2. A recommendation was made in their favor so long ago as 1863, when, in reply to a requisition from the Government

* Resolution of Government of India, dated 24th December 1862, No. 1422-G., Financial Department.

† To Government of India, dated 21st October 1863, No. 681, Financial Department.

of India,* the Small Cause Court Bailiffs were included in a return† specifying the officers and servants whom this Government considered eligible for superior pension. In the Civil Pension Code, subsequently issued, the proposals of this Government were generally admitted, one exception being these Bailiffs. No reason was given for their exclusion.

3. There appears no reasonable ground for denying to this class of servants the benefit sought, while it is admissible to District Court Amins, who occupy a position precisely similar. The Government fully endorse the views stated by the Judges of the Court in their letter forwarding the memorial, which I am directed by the Right Honorable the Governor in Council to submit, with his strong recommendation, to the favorable consideration of His Excellency the Governor-General in Council.

I have the honor to be,

Sir,

Your most obedient servant,

R. DAVIDSON,

Chief Secretary.

FORT ST. GEORGE,
3rd March 1882.

Exd. J. W. Fischer.

1882.
JUDICIAL DEPARTMENT.

From the Government of
Fort St. George.

Letter, dated 3rd March 1882, No. 230.

Memorials.—Forwarding, for favorable consideration, a memorial from the Bailiffs of the Small Cause Court, Madras, praying that they may be admitted to the benefit of the Pension Rules as superior servants.

15TH JUNE 1882, No. 480, JUDICIAL.

GOVERNMENT OF MADRAS.
JUDICIAL DEPARTMENT.

READ—the following paper:—

From R. LOGAN, Esq., Officiating Under Secretary to the Government of India, Department of Finance and Commerce, to the Chief Secretary to Government, dated Simla, 5th June 1882, No. 1510.

In reply to your letter, No. 230, dated 3rd March 1882, I am directed to state that Bailiffs in the Court of Small Causes at Madras should be treated as superior servants if their pay exceeds Rs. 10 a-month.

2. The original enclosures of your letter are herewith returned.

Copy forwarded to the Home Department and the Accountant-General, Madras.

ORDER—dated 15th June 1882, No. 480, Judicial.

Communicated to the Judges of the Small Cause Court, Madras, with reference to their letter of the 19th October 1881, No. 1210.

(True Extract.)

Edwin Phipps
for Chief Secretary.

To the Judges of the Court of Small Causes.
" Accountant-General, with copy of G.O., No. 229, dated 3rd March 1882.
" Pension Department, with do. do.

Exd. J. Wright.

Gobl. of 11832) *Madras*

JUDICIAL.

N^o 691

Order, dated 17th June 1882, No. 180.

R/26-6-82

*adl-
Order Reson 1-10-1882
Recorded-1
18.6.82*

For info.—Communicating letter from Government of India, indicating that the Government of Madras should be directed to suspend servants if their pay exceeds Rs. 10 a month.

With order 502